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Docket No.: 1568.1071

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Young-Rag DO et al.

Serial No. 10/715,416

Group Art Unit: 2882

Confirmation No. 9181

Filed: November 19, 2003

Examiner: Elizabeth Marie Keaney

For: THIN FILM ELECTROLUMINESCENCE DISPLAY DEVICE AND METHOD OF
MANUFACTURING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed August 2, 2005, having a shortened period for response set to expire on September 2, 2005. The following remarks are respectfully submitted.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect **Group 1 (claims 1-22)** in response to the initial restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Group II is concerned, it is believed that claim 23 is so closely related to elected claims 1-22 that it should remain in the same application. Elected claims 1-22 are directed to an electroluminescence display device and claim 23 is directed to a method of manufacturing an electroluminescence display device. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing both product and method claims in the same field of technology.

While it is noted that the Examiner has identified different classifications for the product and method claims, it is believed that classification is not conclusive on the question of restriction. It is believed, moreover, that evaluation of both sets of claims would not provide an undue burden on the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Group II claims by filing a divisional application, especially in light of the fact that Group II only contains one claim.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, and §808.01) or distinct as claimed (see MPEP §806.05-§806.05(i)), and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)-§806.04(i), §808.01(a), and §808.02). The Examiner has not set forth why there would be a serious burden on the Examiner if restriction is required.

III. Conclusion

Upon review of references involved in this field of technology, when considering that the method recited by the Group II claims is directed to a method of manufacturing an electroluminescence display device, and elected claims 1-22 are directed to an electroluminescence display device, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In view of the foregoing remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this paper, please charge the same to our deposit account number 503333.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 8/26/05

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